

REMARKS

The application has been amended to indicate the proper claim to priority. The claim to priority of the parent application, U.S. Application 09/161,122, has been amended in the Amendment filed September 5, 2002 in U.S. Application No. 09/161,122; a copy of the Amendment of September 5, 2002 is submitted herewith (Exhibit A). Upon entry of the present amendment, the earliest date of priority of the present continuation application of U.S. Application No. 09/161,122 is September 30, 1994.

A Power of Attorney by MedImmune Vaccines, Inc., accompanied by a Certification of Amendment to Amended and Restated Certificate of Incorporation documenting the name change from Aviron, Inc. to MedImmune Vaccines, Inc., is also submitted herewith. Applicants respectfully request that the Power of Attorney be made of record in the present file.

RESTRICTION REQUIREMENT

The Examiner has required restriction of the claims to one of four inventions. In response, Applicants hereby elect, with traverse, to prosecute the claims of Group I (claims 7-15), drawn to polynucleotides comprising paramyxovirus genomes that have been modified through the insertion of a heterologous sequence, classified in class 536, subclass 23.72.

The Examiner has further requested an election of subgroup (A) or subgroup (B). Applicants hereby elect, with traverse, to prosecute subgroup (A) wherein the viral genome is from an RSV. Moreover, the Examiner has requested an election of subgroup (i) or subgroup (ii). Applicants hereby elect, with traverse, to prosecute subgroup (i) wherein the heterologous sequence is from an RSV.

Applicants note that claims 7 and 12 are linking claims with respect to restriction Group I and Group II, subgroup (A) and (B), and subgroups (i) and (ii). Accordingly, once the elected invention is found allowable, the claims will be examined with respect to the non-elected subject matter (M.P.E.P. §§ 809.03 and 809.04).

In view of the above, Applicants respectfully request entry of the above amendments and examination of claims 7-15.

No fee is believed to be required for this response. However, should any fee be due, please charge the required amount to Jones Day Deposit Account No. 503013.

Respectfully submitted,

by *Jacqueline Benen*
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